



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable John P. Sarbanes
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Sarbanes:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

On April 10, 2019, the President signed Executive Order 13868 directing the EPA to initiate a rulemaking to modernize and improve the CWA Section 401 certification process to facilitate efficient permitting processes and increase regulatory certainty. The EPA's CWA Section 401 regulations have not been updated in almost 50 years. The EPA proposed a rule to update the CWA Section 401 regulations on August 22, 2019, and is currently reviewing over 120,000 public comments received on the proposed rule. We appreciate your input as the Agency develops a final action. For additional information on proposed Section 401 rulemaking, please visit: <https://www.epa.gov/cwa-401>.

Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Harley Rouda
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Rouda:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB - 7 2020

The Honorable Deb Haaland
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Haaland:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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Assistant Administrator



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The Honorable Paul Tonko
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Tonko:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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The Honorable Gerald E. Connolly
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Connolly:

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB - 7 2020

The Honorable Doris Matsui
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Matsui:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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Assistant Administrator



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The Honorable A. Donald McEachin
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman McEachin:

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB - 7 2020

The Honorable Chellie Pingree
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Pingree:

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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The Honorable Matthew Cartwright
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Cartwright:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB - 7 2020

The Honorable Alan Lowenthal
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Lowenthal:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB - 7 2020

The Honorable Mike Quigley
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Quigley:

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Nannette Diaz Barragán
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Barragán:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable C.A. Dutch Ruppertsberger
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Ruppertsberger:

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FEB - 7 2020

The Honorable Raúl M. Grijalva
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Grijalva:

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The Honorable David Trone
House of Representatives
Washington, DC 20515

OFFICE OF WATER

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The Honorable Chris Pappas
House of Representatives
Washington, DC 20515

OFFICE OF WATER

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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The Honorable Betty McCollum
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman McCollum:

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The Honorable Jared Huffman
House of Representatives
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OFFICE OF WATER

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Lucille Roybal-Allard
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Roybal-Allard:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

On April 10, 2019, the President signed Executive Order 13868 directing the EPA to initiate a rulemaking to modernize and improve the CWA Section 401 certification process to facilitate efficient permitting processes and increase regulatory certainty. The EPA's CWA Section 401 regulations have not been updated in almost 50 years. The EPA proposed a rule to update the CWA Section 401 regulations on August 22, 2019, and is currently reviewing over 120,000 public comments received on the proposed rule. We appreciate your input as the Agency develops a final action. For additional information on proposed Section 401 rulemaking, please visit: <https://www.epa.gov/cwa-401>.

Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Anna G. Eshoo
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Eshoo:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Jerry McNerney
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman McNerney:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Debbie Dingell
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Dingell:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Anthony G. Brown
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Brown:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Yvette D. Clarke
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Clarke:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Jan Schakowsky
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Schakowsky:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Jackie Speier
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Speier:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable James P. McGovern
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman McGovern:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Peter Welch
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Welch:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Grace Napolitano
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Napolitano:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

The EPA recognizes the importance of regulatory certainty that allows states to effectively and fairly administer CWA Section 401 and enables project applicants to clearly understand the CWA requirements. CWA Section 401 provides states with an opportunity to evaluate and address potential water quality impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA supports the states' use of the CWA Section 401 provisions to maintain water quality as one of several important regulatory programs under the CWA.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Jamie Raskin
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congressman Raskin:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 7 2020

The Honorable Pramila Jayapal
House of Representatives
Washington, DC 20515

OFFICE OF WATER

Dear Congresswoman Jayapal:

Thank you for your December 20, 2019 letter regarding Clean Water Act (CWA) Section 401 and the U.S. Environmental Protection Agency's (EPA or Agency) ongoing rulemaking effort.

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